

REMARKS

Claims 70-75 and 79-82 are all of the claims pending in the application.

I. Claim Rejections under 35 U.S.C. § 103(a)

Claims 70-75 and 79-82 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *newly cited* U.S. Patent Application Publication No. 2002/0077141 to Hwang et al. (hereinafter “Hwang”) in view of U.S. Patent Application Publication No. 2002/0009061 to Willencgger (hereinafter “Willencgger”).

Applicant respectfully traverses this rejection and respectfully requests that the Examiner reconsider the rejection at least in view of the following comments.

Applicant respectfully submits that the Examiner appears to misinterpret the teachings of Hwang.

On page 3 of the Office Action, the Examiner asserts that paragraphs [0008], [0019], and [0020] of Hwang teach that “only the selected node B transmits a Transmit Power Control (TPC) on a downlink dedicated physical control channel (DL_DPCCH) in order for the user equipment to control the transmission power,” and thus the Examiner concludes that Hwang teaches the “means for controlling a reception quality of a transmission power control signal included in a downlink dedicated channel sent only from the packet transmission base station, by controlling a target SIR,” recited in claim 70.

Applicant, however, respectfully submits that the Examiner's interpretation of Hwang is incorrect. Hwang specifically discloses that, "[o]nly the selected node B transmits a DL_DPDCH to the UE 311 and the other node B transmits only a DL_DPCCH to the UE311" (emphasis added) (*see* paragraph [0019] of Hwang).

The following chart illustrates the teachings of paragraph [0019] of Hwang:

	Selected Node B (Primary Node B)	Non-selected Node B (Non-Primary Node B)
DL_DPD <u>C</u> H	Transmitted	NOT transmitted
DL_DPC <u>C</u> H	?	Transmitted

In other words, it is clear from paragraph [0019] of Hwang that:

- a) Only the selected node B transmits the DL_DPDCH to the UE; and
- b) The non-selected node B(s) only transmit the DL_DPCCH to the UE; non-selected node B(s) do not transmit the DL_DPDCH.

Applicant respectfully notes that paragraph [0019] of Hwang does not describe whether or not the selected node B also transmits the DL_DPCCH. However, Applicant respectfully submits that paragraphs [0007], [0008], and [0063] as well as FIG. 1B of Hwang clarify that the selected node B also transmits the DL_DPCCH.

Paragraph [0063] of Hwang discloses that, "if the UE411 receiving the DSCH enters the SHO region, it determines TPC 524 by combining the DL_DCH from the node B of interest,

bound with the DSCH with DL_DCHs from the other node Bs in the active set” (emphasis added).

In other words, the UE receives the DL_DCHs from all of the node Bs (i.e., the node B of interest and the node Bs in the active set) within the SHO region, and then determines the TPC by combining all of the received DL_DCHs. The node B of interest corresponds to the selected node B, and the node Bs in the active set correspond to the non-selected node B(s). Applicant respectfully submits that it is thus clear from the description in paragraph [0063] of Hwang that, in the system according to Hwang, both of the selected and non-selected node Bs transmit the DL_DCH.

Applicant further submits that FIG. 1B and paragraphs [0007] and [0008] of Hwang show that the DL_DCH contains the DL_DPCCH.

Applicant therefore respectfully submits that according to Hwang, both of the selected and non-selected node Bs transmit the DL_DPCCH through the DL_DCH (*see* paragraph [0063] of Hwang).

The following chart thus illustrates the combined teachings of paragraphs [0019] and [0063] of Hwang:

	Selected Node B (Primary Node B)	Non-selected Node B (Non-Primary Node B)
DL_DPDCH	Transmitted	NOT transmitted
DL_DPCCH	Transmitted	Transmitted

Thus, contrary to the Examiner's assertions, Hwang does not teach or fairly suggest that only the selected node B transmits a Transmit Power Control (TPC) on a downlink dedicated physical control channel (DL_DPCCH) in order for the user equipment to control the transmission power; instead, according to Hwang, the DL_DPCCH is transmitted from both the selected and non-selected node Bs.

Applicant respectfully submits that Hwang does not teach or fairly suggest the "means for controlling a reception quality of a transmission power control signal included in a downlink dedicated channel sent only from the packet transmission base station, by controlling a target SIR," recited in claim 70.

Applicant respectfully submits that the disclosure of Willenegger does not cure this deficiency of Hwang, and claim 70 is thus patentable over the combination of Hwang and Willenegger.

Applicant respectfully notes that claims 72, 74, 79, and 81 recite features similar to, although not necessarily coextensive with, the features discussed above with respect to claim 70. Accordingly, Applicant respectfully submits that claims 72, 74, 79, and 81 are patentable over

the combination of Hwang and Willenegger at least for the reasons discussed above with respect to claim 70.

Applicant respectfully submits that claims 71, 73, 75, 80, and 82 are patentable over the combination of Hwang and Willenegger at least by virtue of their dependency on claims 70, 72, 74, 79, and 81.

II. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Eric S. Barr/

Eric S. Barr
Registration No. 60,150

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: April 8, 2010